

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JASMINE ROBERTSON, *on behalf of herself and all*  
*others similarly situated,*

Plaintiff,

-v-

BOB MACKIE DESIGN GROUP, LTD,

Defendant.  
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23-CV-5112 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:


Pursuant to the Court's Order entered September 8, 2023, Plaintiff was ordered to file any default judgment motion by September 22, 2023. *See* ECF No. 8. Plaintiff failed to file any such motion. On September 27, 2023, the Court entered another Order directing Plaintiff to show cause why the case should not be dismissed for failure to prosecute and ordering her to serve the Order on Defendant and, no later than September 29, 2023, file proof of such service. *See* ECF No. 10. To date, Plaintiff has not filed such proof of service. On September, 29, 2023, however, Defendant filed an Answer. *See* ECF No. 11.

Given these circumstances, and in light of strong presumption in favor of adjudication on the merits, the Court grants Defendant an extension of the deadline to Answer *nunc pro tunc* and deems Defendant's Answer to be timely. By separate Order to be entered today, the Court is amending the Order of Reference to the assigned Magistrate Judge, who should presumably reinstate the Initial Pretrial Conference previously canceled by the Court.

The parties are admonished that they must do better to comply with Orders and deadlines going forward. **Continuing failure to do so may result in sanctions.**

SO ORDERED.

Dated: October 3, 2023  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge